



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: November 12, 2013
Applicant: M2 A/Michael Merrill
Case No.: DRC-13-07
Address: 569 H Street
Project Planner: Caroline Young

Notice is hereby given that on November 12, 2013, the Zoning Administrator considered Design Review Permit (DRC) application (DRC-13-07), filed by M2 A/Michael Merrill, ("Applicant"). The Applicant requests DRC approval to demolish the existing restaurant to construct a new 2,322 square-foot Chipotle Restaurant. The Project is located at 569 H Street ("Project Site") and is owned by Harris John J Generation Trust ("Property Owner"). The Project Site is zoned Urban Core Specific Plan (UC-9) with a General Plan designation of Mixed-Use Commercial (MUC). The Project is more specifically described as follows:

The existing one-story restaurant will be demolished to construct a one-story 2,322 square-foot Chipotle Restaurant. Currently, the property includes two parcels, which will be consolidated through a lot consolidation permit. The proposed building will be located adjacent to H Street with parking in the side and rear of the lot. The front entrance to the restaurant will be off H Street. A semi enclosed outdoor dining area is provided to the west of the building. The building will consist of a gray colored stucco facade with a lighter gray colored rain screen system consisting of a cement based board over wood and a red colored screen wall applied to the front of the building and adjacent to the outdoor dining area. A steel canopy with a charcoal finish will be located along the front and rear of the building. Other site improvements include pedestrian lighting fixtures and street trees within the public right-of-way along H Street, in accordance with the Urban Core Specific Plan guidelines. Enhanced landscaping will be provided throughout the site, as well as a trash enclosure located in the rear of the site.

The following Project Data Table shows the development regulations along with the applicant's proposal to meet said requirements:

Assessor's Parcel Number:	567-232-11-00 & 567-232-12-00
Current Zoning:	Urban Core Specific Plan (UC-9)
General Plan Designation:	Mixed-Use Commercial (MUC)
Lot Area:	0.43-acres

PARKING REQUIRED: Parking spaces, broken down as follows: 2 spaces per 1,000 square-feet 2,322/500=5 spaces Total = 5	PARKING PROPOSED: Standard Spaces: 21 Compact Spaces: 0 ADA Spaces: 2 Total = 23
SETBACKS/HEIGHT REQUIRED: Front: 8-ft (Street Min.) 0-ft (Property Line) Lot Coverage: N/A Height: Min 18 feet, Max 72 feet	SETBACKS/HEIGHT PROPOSED: 8-ft (Street Min) 0-ft (Property Line) N/A 20 feet high

The Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a categorical exemption pursuant to Section 15332 of the State CEQA Guidelines. Thus, no further environmental review is required.

The proposed project is consistent with the development regulations of the Chula Vista Urban Core Specific Plan (UC-9 Zone), and Landscape Manual. The Zoning Administrator, under the provisions of Section 19.14.582.G of the Chula Vista Municipal Code, has conditionally approved the project subject to the following conditions:

- I. The following shall be accomplished to the satisfaction of the Development Services Director, prior to issuance of building permits, unless otherwise specified:

Development Services Department:

1. Prior to approval by the City of Chula Vista for the use of the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

2. Prior to, or in conjunction with the issuance of the first building permit, Applicant shall pay all applicable fees, including any unpaid balances of permit processing fees for deposit account DQ-1723.
3. The colors and materials specified on the building plans shall be consistent with the colors and materials shown on the site plan and materials board approved by the Zoning Administrator on November 12, 2013.
4. A graffiti resistant treatment shall be specified for all wall and building surfaces, and noted on any building and wall plans. Additionally, the project shall conform to CVMC Section 9.20 055 regarding graffiti control. The applicant shall remove all graffiti on a regular basis. The Applicant shall place a note to this effect on the building permit plans.
5. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections, shall be screened from view and the sound buffered from adjacent properties and streets as required by the Development Services Director. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Development Services Director.
6. All ground mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Director of Development Services.
7. The Applicant shall obtain approval of a sign permit for each sign by the Development Services Department. Signs shall comply with all applicable requirements of the Municipal Code and Urban Core Specific Plan.

Land Development Division/Landscape Architecture Division:

8. The following fees shall be paid based on the final Building Plans submitted per the Master Fee Schedule:
 - a. Sewer Connection and Capacity Fees
 - b. Traffic Signal Fee
 - c. Public Facilities Development Impact Fees (PFDIF)
 - d. Western Transportation Development Impact Fees (WTDIF)
 - e. Other Engineering Fees as applicable per attached Master Fee Schedule.
9. Additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule shall be paid for the submittal of the following items:
 - a. Grading Plans
 - b. Construction Permit

10. Plans shall demonstrate compliance with the Uniform Building Code, minimum sewer grade (2%) from the farthest building on the site to the sewer main.
11. If the Project proposes over 250 cubic yard of earthwork, a Land Development Permit will be required.
12. This project shall comply with all requirements of the Chula Vista Development Storm Water Manual for both construction and post-construction phases of the project. Prior to building permit approval, documentation shall be provided, to the satisfaction of the City Engineer, to demonstrate such compliance.
13. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity, and any subsequent re-issuances thereof. In accordance with said Permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrent with the commencement of grading activities. The SWPPP shall specify construction structural and non-structural pollution prevention measures.
14. A complete and accurate Notice-of-Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgement from the SWRCB that a NOI has been received for this project shall be filed with the City of Chula Vista when received. Further, a copy of the completed NOI from the SWRCB showing the Permit Number for this project shall be filed with the City of Chula Vista when received.
15. Permanent storm water requirements, including site design, source control, and treatment control Best Management Practices (BMP's), all as shown in the approved WQTR, shall be incorporated into the project design, and shall be shown on the plans. Provide sizing calculations and specifications for each BMP's. Any structural and non-structural BMP requirements that cannot be shown graphically must be either noted or stapled on the plans.
16. Site design shall include features to meet NPDES Standards. These features shall maximize infiltration and minimize impervious land coverage while conveying storm water runoff.
17. Where feasible, storm water runoff from parking areas shall be directed to landscaped areas before discharge to storm drainage systems.
18. Site runoff shall be directed to the proposed vegetated BMP. The vegetated BMP shall be designed as a vegetated swale in accordance with criteria established by the California Storm Water Best Management Practices Handbook, BMP # IC-30. Details of the vegetated swale shall be shown on the final Water Quality Technical Report.

19. The trash enclosure area(s) shall be covered with a roof or awning to avoid contamination of runoff. The site shall be graded in such a way as to prevent run-on into, and run-off from, the trash enclosure area. The location of the trash enclosure area shall be shown on the building permit.
20. All on-site storm drain inlets and catch basins shall be provided with permanent stenciling and signage according to City of Chula Vista Standards to prohibit illegal discharge to the storm drain system.
21. Prior to issuance of any Grading or Building Permits, whichever occurs first, the Applicant shall enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain private BMP's located within the project.
22. Improvement Plans in conformance with the City's Subdivision Manual and a Construction Permit shall be submitted prior to issuance of any Building Permits. The Improvement Plan shall include but not be limited to:
 - ❑ Installation of curb, gutter, and sidewalk per SDRSD G-3 along the project's frontage. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
 - ❑ Installation of 24-ft. driveway meeting design standards as shown in Chula Vista standard detail CVCS-1A. Dedication of right-of-way as needed in order for driveway to comply with American Disability Act (ADA) requirements.
 - ❑ Installation of all sewer laterals per SDRSD S-13.
 - ❑ Utilities Trenching and Restoration per CVCS-3 & 4.
 - ❑ Sewer lateral and storm drain connections to existing public utilities. The Public Works Operations Section will need to inspect any existing sewer laterals and connections that are to be used by the new development. Laterals and connections may need replacement as a result of this inspection.
23. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be obtained, as necessary.
24. Any improvements in the right-of-way beyond the project limits shall be designed and constructed as to not interfere with adjacent businesses, as approved by the City Engineer.
25. The construction and completion of all improvements and release requirements shall be secured in accordance with Section 18.16.220 of the Chula Vista Municipal Code.
26. The onsite sewer and storm drain system shall be private. All sewer laterals and storm drains shall be privately maintained from the building to the City-maintained public facilities.

27. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.
28. Per the Urban Core Specific Plan, the Applicant shall be required to dedicate to the City of Chula Vista five-feet Irrevocable Offer of Dedication (I.O.D.) of right-of-way along H Street. The Applicant is also required to dedicate three-feet along H Street. Prior to building permit, the Applicant shall submit street dedication documents and an I.O.D. prepared by a Registered Civil Engineer or licensed Land Surveyor.
29. Prior to Grading or Street Improvement Plan approval, the Applicant shall upload copies of the Street Improvement Plan, Grading Plan, Final Map and Site Improvement Plan in digital format such as AutoCAD DWG or DXF (AutoCAD version 2000 or above), ESRI GIS shapefile, file, or personal geodatabase (ArcGIS version 9.0 or above). The files should be transmitted directly to the GIS section using the city's digital submittal file upload website at <http://www.chulavistaca.gov/goto/GIS>. The data upload site only accepts zip formatted files.
30. Prior to approval of any Engineering Entitlement or issuance of any Building Permit, a Lot Consolidation will be required in order to avoid existing parcel lines beneath proposed structures, and in order to avoid Reciprocal Easements for access, parking and drainage.
31. Any private facilities (if applicable) within Public right-of-way or City easement will require an Encroachment Permit prior to Improvement Plan or Building Permit approval.
32. All utilities serving the proposed project shall be underground pursuant to Municipal Code 15.32. All utilities serving the subject property and existing utilities located within or adjacent to the subject property shall be undergrounded in accordance with the Chula Vista Municipal Code. Further, all new utilities serving the subject property shall be undergrounded prior to the issuance of Building Permits.
33. The Applicant shall submit complete landscape and irrigation plans as required by the City of Chula Vista Municipal Code. The plans shall meet all applicable City requirements and shall be submitted for approval prior to approval of the first building permit.
34. The Applicant shall provide pedestrian street lighting along H Street per the Urban Core Specific Plan. Location of light pole and detail of the light standards shall be provided on the Building Permit and Street Improvement permit. Pedestrian light fixtures shall be by Kim Lighting or approved equal and match the existing light poles along H Street.
35. The Applicant shall provide street trees along H Street per the Urban Core Specific Plan.

36. The Applicant shall obtain an encroachment permit prior to starting the necessary construction work in the R.O.W.
37. The Applicant shall enter into a maintenance agreement with the City of Chula Vista to maintain the private improvements in the City R.O.W. in perpetuity.

Fire Department

38. The project shall provide a fire flow of 1,500 gallons per minute for a 2-hour duration (at 20psi).
39. The Applicant shall provide a water flow letter from the applicable water agency having jurisdiction indicating that the above-mentioned fire flow is available to serve the project.
40. Fire hydrants shall be located not greater than 300 feet apart.
41. The buildings shall be provided with two Knox appliances.
 - Provide a Knox Vault at the main entrance to the building
 - Provide a Knox Box at the Fire Control Room
42. The building shall be addressed in accordance with the following criteria:
 - 0 – 50 feet from the building to the face of the curb = 6-inches in height with a 1-inch stroke
 - 51 – 150 feet from the building to the face of the curb = 10-inches in height with a 1 ½ -inch stroke
 - 151 feet from the building to the face of the curb = 16-inches in height with a 2-inch stroke
43. The Applicant shall provide a Deferred Submittal to the Fire Department for review and approval, if there are any modifications to the fire sprinkler system.
44. The Applicant shall provide commercial cooking equipment that produces grease laden vapors with a Type I hood and an automatic fire extinguisher system that is listed and labeled for its intended use.
45. The Applicant shall provide one fire extinguisher for every 3000 square feet and 75 feet of travel in any direction.

Public Works Department, Environmental Division

46. The Applicant shall submit a Performance Deposit and a Waste Management Report demonstrating how they will meet the diversion requirements per the Demolition Debris and Construction Debris Recycling Ordinance.

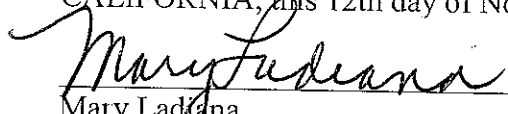
47. The Applicant shall develop and submit a “Recycling and Solid Waste Management Plan” to the Conservation Coordinator for review and approval as a part of the building permit process. The plan shall demonstrate those steps the applicant will take to comply with Municipal Code, including but not limited to Section 8 24, 8 25, and 19.58 340 and meet the State mandate to reduce or divert at least 50% of the waste generated by all residential, commercial and industrial developments. The applicant shall contract with the City’s franchise hauler throughout the construction and occupancy phase of the project. The “Recycling and Solid Waste Management Plan” features should be identified on the building plans.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for DRC-13-07, approved on November 12, 2013, which include site plan and architectural elevations on file in the Development Planning Division, the conditions contained herein, and Title 19.
2. All landscaping and hardscape improvements shall be installed and maintained in accordance with the approved landscape plan.
3. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance.
4. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney’s fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City’s approval and issuance of this permit, (b) City’s approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this permit where indicated above. The Applicant/Representative and Property Owner’s compliance with this provision is an express condition of this permit and shall be binding on any and all of Applicant/Operator’s successors and assigns.
5. This Design Review Permit shall become void and ineffective if not utilized within thirty-six (36) months from the effective date thereof, in accordance with Section 19.14.600 of the Municipal Code, unless an extension application is submitted within 30-days of the expiration date of November 12, 2016.

November 12, 2013

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 12th day of November 2013.



Mary Ladana
Zoning Administrator